#### WATER AND SCIENCE ADMINISTRATION TIDAL WETLANDS DIVISION

### Wetland Report and Recommendation

State Wetlands Case No:

19-WL-0349

Applicant:

Haven Harbour South

21144 Green Ln

Rock Hall, Maryland 21661

(410) 778-6697

Agent: Lane Engineering, Inc

117 Bay St

Easton Maryland 21601

(410) 221-0818

Date Application Received: March 14, 2019 Public Notice Required? Yes

Comment Period Closing Date: June 1, 2019

Maryland Coordinates: 163014 x 465596

Book Map Coordinates: Kent Co. ADC Map Num: 18 Ed: 8 Coord: 7 H

Location of Proposed Work: The proposed project is located at 21140 Green Lane, Rock Hall, Kent County,

MD 21661.

Waterbody: Rock Hall Harbor.

Purpose of Proposed Work: The purpose of this project is to replace an existing potable water line, install a

fire suppression water line and install a communications line.

Description of Authorized Work: Hydraulically directional drill an approximately 418-foot long by 12-inch diameter bore hole and place a 4-inch diameter potable water supply line, a 4-inch diameter fire suppression water line and a 4-inch conduit to contain telecommunications cables as shown on plans dated May 21, 2019.

Requires Water Quality Certification?: No, the Water Quality Certification is included with the MDSPGP-5.

Qualifies for Maryland State Programmatic General Permit?: Yes, this project has been classified as a Category B project and the Army Corps of Engineers will issue an authorization directly to the applicant.

Area of Vegetated Wetland Impacts Requiring Mitigation: 0 s.f.

Area of Wetlands Created: 0 s.f.

Was the Applicant's Original Project Modified?: No

Monetary Compensation Recommended: Yes. The Department recommends that compensation be made to the State of Maryland in an amount to be determined by the Board of Public Works.

Department Comment: Haven Harbour South is located off of Green Lane just outside of Rock Hall in Kent County, Maryland. The site is improved with a marina, store, bath houses, and a restaurant and is served with potable water from the Town of Rock Hall through a water line that currently rests within an easement on the substrate of Rock Hall Harbor. This potable water line has been damaged repeatedly when deep draft vessels, anchors, or other boating and fishing gear have inadvertently come in contact with the line or when weather events have caused the line to shift and break. When a break occurs, the repair is difficult and the marina is left with no water, plus the municipal water supply is jeopardized. In order to upgrade the facilities and meet current fire and water codes, the owners have proposed to install an upgraded 4-inch diameter potable water line and a 4-inch fire suppression water line with the water to be supplied by Rock Hall. The proposed water supply lines are to be installed a minimum of 25 feet below the Rock Hall bottom substrate. This type of installation will help protect the lines from damage from boat traffic and weather events. These upgrades will be incorporated into the next revision of the county comprehensive sewer and water plan. In addition to the water lines, a 4-inch telecommunications conduit is proposed. The telecommunications line will initially provide services to Haven Harbour South, but could be extended to surrounding properties in the area by a private telecommunications company. The three conduits will be placed together within an approximately 418 linear foot area across the harbor starting on an easement off of Chesapeake Avenue and extending below Rock Hall Harbor to Haven Harbour South just landward of the bulkhead.

As required by § 5-204 (b) of the Environment Article, the Department drafted and issued a public notice by posting the public notice on its WEB site from May 1, 2019 to June 1, 2019 and publishing the public notice for the proposed project in the Kent County News on May 9, 2019. In addition, the public notice was provided to adjacent property owners listed on Attachment A. Since the Department had received calls from area citizens with concerns about this project causing a drop in water pressure, the decision was made to hold a public hearing and this information was included in the public notice. The public hearing was held on May 21, 2019 at 4:00 pm at the Kent County Library, Chestertown Branch, 408 High Street, Chestertown, Maryland 21620. Nineteen people attended the hearing including three MDE employees. An overview of the project was presented by Lane Engineering and several people provided statements and/or questions about the proposal. Jamie Williams, with Economic & Property Improvement, discussed the capital improvements and employment opportunities Haven Harbour South would provide and suggested that any fees be waived. Kathleen Johnson stated that the parcel boundaries and owner names as well as the location of the water line off Chesapeake Avenue were incorrect and that the existing water line is an 1.5-inch line rather than a 2-inch line. Ed Cecil, the contractor that has worked on repairing the line since 1982, discussed repairs and confirmed that it is a 2-inch line. Mark Wagner, who spoke about the fiber optics line and discussed the potential to connect other people in the area with these services. Woody Loller, with Haven Harbour, explained the plans for Haven Harbour South and gave information about the water line. In answer to concerns that had been expressed about water pressure, Mr. Loller stated that an engineer had been asked to look into this concern and that they concluded that the proposal should not negatively impact the neighbor's water pressure during normal use. If the fire suppression system were activated, a reduction in water pressure may be experienced, as would be expected. The plans were revised to address the concerns regarding incorrect information. In addition to the comments given at the hearing, letters of support were received from area residents and from Shelly Heller, Kent County Administrator. Since Haven Harbour South is paying the cost of removing the existing line, installing the new lines, and paying for the water use, and since they are "serving a public benefit through access to improved potable water and modern telecommunications", Ms. Heller requested on behalf of the Kent County Commisioners that the Board of Public Works waive any compensation for the placement of the lines in tidal wetlands.

The project was screened for potential impacts to resources that would require the Maryland Department of Natural Resources (DNR) to review the project. No impacts to DNR jurisdictional resources were identified, therefore they did not review the project.

In accordance with the Department's interagency application screening procedures, and based upon geospatial information provided by the Maryland Historical Trust (MHT), MDE has reviewed the project and determined that MHT consultation was not required.

The evaluation of this project has taken into account ecological, economic, recreational, developmental, and aesthetic considerations appropriate for this proposal as well as other requirements set forth in the Code of Maryland Regulations. To insure that impacts to resources are avoided and minimized to the maximum extent possible and to insure that all work is performed in accordance with critical area and local regulations, the Department has recommended a number of special conditions. Provided all general and special conditions are adhered to, the work proposed will not cause significant deleterious impacts to marsh vegetation, submerged aquatic vegetation, finfish, shellfish, or navigation.

Project Justification: In consideration of the site characteristics and the nature of the proposed work, the Department concludes that the application represents a reasonable exercise of riparian rights.

#### **SPECIAL CONDITIONS:**

- A. The Maryland Department of the Environment has determined that the proposed activities comply with, and will be conducted in a manner consistent with the State's Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.
- B. The Licensee shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This License does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.
- C. If the authorized work is not performed by the property owner, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537-3249, by e-mail at MDE.MCLB@maryland.gov or by accessing the Maryland Department of the Environment, Environmental Boards webpage.
- D. The Licensee agrees, at its own expense to relocate, move or otherwise alter the position of the submerged conduit, should such action be required by the Board of Public Works for the health, safety and welfare of the citizens of the State, including but not limited to, safe passage on navigable waters.
- E. The Commander (O-2), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705, 757-398-6486, must be contacted to ascertain the need for their approval of the proposed project.
- F. The Licensee shall follow the best management practices (BMP) as stated in the publication *Horizontal Direction Drill Good Practices Guidelines* by HDD Consortium and David Bennett, PhD; Samuel T. Ariaratnam, PhD and Casey E. Como, dated 2004 and 2001.
- G. At least 30 days before starting the authorized work, Licensee shall provide a current geotechnical report to MDE's Inspection and Compliance Program and the Wetlands Administrator.
- H. Before starting the authorized work, Licensee must have an MDE-approved HDD Contingency Plan. The HDD Contingency Plan must identify locations of potential inadvertent returns of fluid (frac-out), a plan for monitoring each location, and a method of clean-up for each location.

- I. Before starting the authorized work, Licensee shall hire an independent monitoring contractor (Monitor) approved by the Wetlands Administrator. Licensee is responsible for compensating the Monitor.
- J. The Monitor must be present at the site when authorized work occurs in, under, or over State tidal wetlands or State tidal Waters of the U.S.
- K. The Monitor shall provide daily visual monitoring of the drilling route and surrounding area.
- L. The Monitor shall prepare and submit weekly reports to the Wetlands Administrator and MDE's Inspection and Compliance Program when drilling is in, under, or over State tidal wetlands or State tidal Waters of the U.S. The weekly reports must include volume of drilling material used and recovered, method of material disposal, and depth of bore below the bottom.
- M. If an inadvertent return (frac-out) occurs, HDD operations must cease immediately. The Monitor shall immediately contact both the Wetlands Administrator and MDE's Inspection and Compliance Program. Licensee shall contact both MDE's Water and Science Administration Compliance Program and the Wetlands Administrator within TWO hours of the inadvertent return and document that the HDD Contingency Plan was implemented.
- N. At least ten days before starting the authorized work, Licensee shall provide Rock Hall Harbour bottom elevations at ten foot intervals. Licensee shall provide an electronic copy of the pre-placement bottom elevations to MDE Inspection and Compliance Program and to the Wetlands Administrator. Within 10 days after placement, Licensee shall re-survey the contours. Licensee shall provide an electronic copy of the post-placement bottom elevations to MDE Inspection and Compliance Program and to the Wetlands Administrator.
- O. At least five business days before starting the authorized work, Licensee shall coordinate a preconstruction meeting. The meeting must include the Registered Marine Contractor, the Monitor, the Wetlands Administrator, the MDE Compliance Inspector, and the Licensee's representative.
- P. The licensee shall seal each abandoned drill hole with bentonite or other approved material upon withdrawing the drill stem. Licensee shall submit an abandonment report to MDE within 48 hours after sealing is complete.
- Q. The licensee may not discharge runoff, accumulated water containing sediment, or other suspended materials into State Waters of the U.S. except as authorized by the locally-approved Soil Erosion and Sediment Control Plan for the project.
- R. The licensee, while crossing state tidal wetlands, shall provide weekly HDD monitoring reports to include, but not limited to, volume of drilling material used and recovered method of material disposal, and depth of bore below the river's bottom, to the Department of the Environment, Water and Science Administration, Compliance Program, and the Contractor.
- S. Daily visual monitoring of the drilling route and surrounding area, complete with documentation, shall be performed during the entire drilling process, and provided to the Contractor.
- T. A contingency plan for inadvertent returns shall be submitted and approved by the Department of the Environment prior to any HDD construction. If a frac-out occurs, the drilling operation must cease and the Water and Science Administration's Compliance Program and the Contractor shall be contacted immediately, with documentation and implement the contingency plan.

construction.	1
V. The licensee shall be responsible for long term maintenance of the project	t.
W. The Licensee shall ensure that the upgrade is incorporated into the Ker and Water Plan.	t County Comprehensive Sewer
May Dum	July 3, 2019
Mary Phipps-Dickerson, Natural Resource Planner	DATE
Tidal Wetlands Division	
	July 3, 2019
Jonathan Stewart, Eastern Region Chief Tidal Wetlands Division	DATE
Tidal Wellands Division	
Day La	July 3, 2019
D. Lee Currey, Director Water & Science Administration	DATE
water & Science Aummistration	
WETLANDS ADMINISTRATION CONCURRENCE:	
William Morgante, Wetlands Administrator Board of Public Works	DATE
Board of Fublic Works	

U. The licensee shall restore and re-vegetate all disturbed wetlands to original contours upon completion of

# Attachment A

Haven Emporium, LLC 888 17<sup>th</sup> Street NW, Suite 205 Washington DC 20006

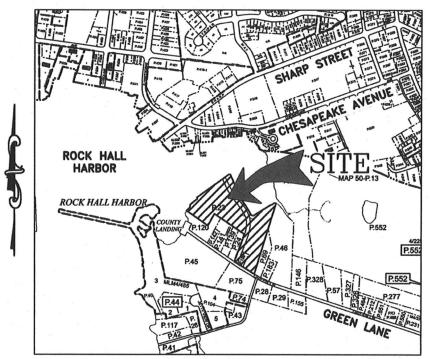
Scott and Kimberly Peacher 3031 Lochary Road Bel Air, Maryland 21015

# Attachment A

Haven Emporium, LLC 888 17<sup>th</sup> Street NW, Suite 205 Washington DC 20006

Scott and Kimberly Peacher 3031 Lochary Road Bel Air, Maryland 21015

# TIDAL WETLAND PERMIT DRAWINGS PREPARED FOR HAVEN EMPORIUM, LLC IN THE FIFTH ELECTION DISTRICT KENT COUNTY, MARYLAND



19-WL-0349 201960491 AI-164372

VICINITY MAP
SCALE: 1" = 1,000'

#### ENGINEER

Lane Engineering, LLC
117 BAY STREET
EASTON, MARYLAND 21601
(410) 822-8003

#### OWNER/DEVELOPER

HAVEN EMPORIUM, LLC C/O BRAWNER COMPANY, INC. 888 17TH STREET NW, SUITE 205 WASHINGTON, DC 20006

#### PROJECT LOCATION

21140 GREEN LANE ROCK HALL, MD 21661

ISSUE FOR:	DATE: BY:	No. DA	ATE: REVISION:	BY:
MDE SUBMITTAL	03/04/19 DSW			
MDE SUBMITTAL	04/08/19 DSW			
MDE SUBMITTAL	05/14/19 DSW			
USACE SUBMITTAL	05/21/19 DSW			

旧	BOL	SCAL	DATE	<b>-</b>	SHEE
No.	No. 1	E: AS	: AS	0	T No.
D140	9001	NOTE	NOTED	7	•

#### TITLE SHEET

ON THE LANDS OF HAVEN EMPORIUM, LLC ROCK HALL, MARYLAND

IN THE FIFTH ELECTION DISTRICT, KENT COUNTY TAX MAP 50, GRID 3F, PARCEL 23

# Lane Engineering, LLC

Established 1986
Civil Engineers • Land Planning • Land Surveyors



E-mail: general@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 15 Washington St. Combridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095

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# LEGEND & ABBREVIATIONS

MLW MHW MEAN LOW WATER MEAN HIGH WATER

PROP APPROX PROPOSED APPROXIMATE

PROPERTY LINE

PROPOSED UNDERGROUND COMMUNICATIONS

PROPOSED WATER SUPPLY

SPOT ELEVATION

x<sup>−2.15</sup>

-UT-

# MHHW = 1.52 MHW = 1.21 MSL = 0.62 MLW = 0.00 MLLW = -0.21

#### PROJECT NOTES:

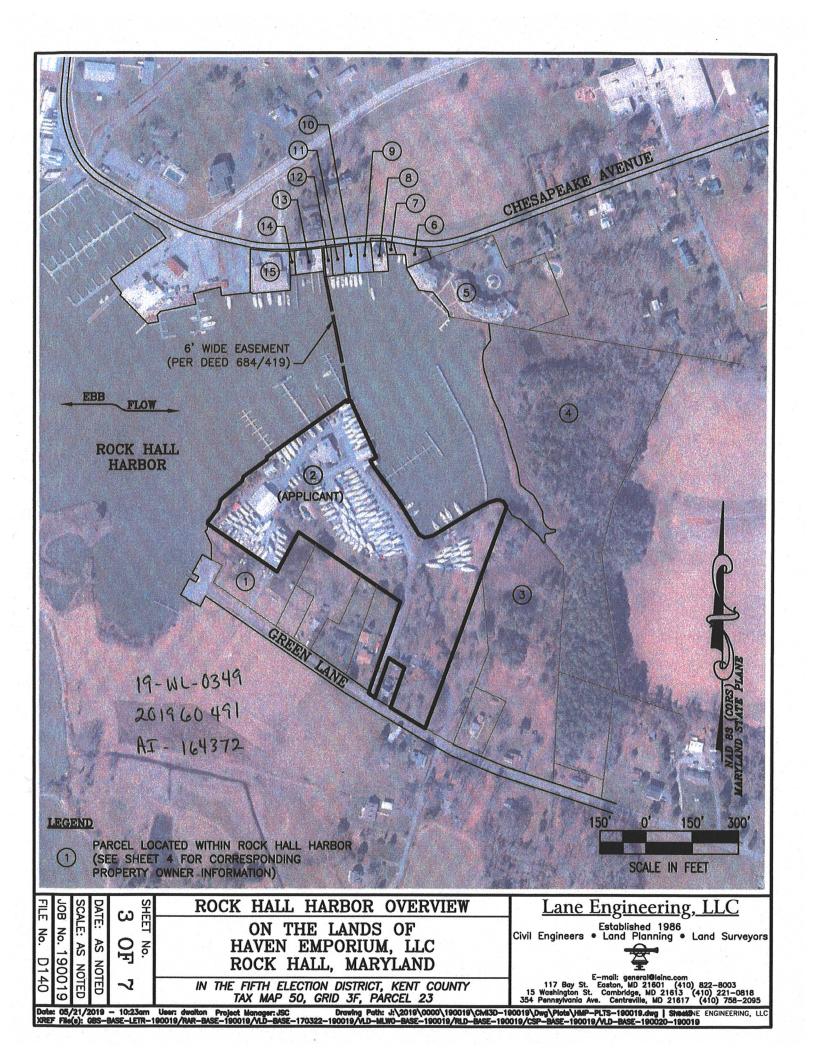
- TIDAL DATUM, I.E. MEAN LOW WATER ELEVATION, IS ESTIMATED FROM ENVIRONMENTAL INDICATORS SUCH AS RACK LINES, WATER MARKS, PLANT COMMUNITY COMPOSITIONS.
- UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREIN ARE REFERENCED TO MEAN LOW WATER (MLW) = 0.0'.
- THERE ARE EXISTING PIERS ON THE ADJOINING PROPERTIES TO THE NORTH AND SOUTH.
- 4. MEAN TIDAL RANGE = 1.62'
- 5. LOT SIZE = 8.313 AC±
- 6. LOT DEPTH =  $764'\pm$
- 7. LOT WIDTH AT SHORELINE = 1,478'±
- 8. ZONING CLASSIFICATION = MARINE
- 9. 911 ADDRESS = 91140 GREEN LANE ROCK HALL, MD 21661

VERTICAL DATUM COMPARISON CHART
SCALE: 1"=1'

NOTE: MEAN LOW WATER (MLW) AND RELATIVE TIDAL INFORMATION WAS OBTAINED FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) AND THE NATIONAL OCEANIC SERVICE (NOS) AND ARE BASED UPON TIDAL BENCH MARK TOLCHESETER BEACH (STATION ID: 8573364) TIDAL EPOCH 1983—2001.

M-WL-0349 201960491 AI - 164372

SITE & PROJECT NOTES BOG Lane Engineering, DATE: S Established 1986 Civil Engineers • Land Planning • Land Surveyors μ ON THE LANDS OF No. SS HAVEN EMPORIUM, LLC S Ħ 1900 NOTED ROCK HALL, MARYLAND ON E-mail: general@leinc.com 117 Bay St. Easton, MD 21801 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centraville, MD 21617 (410) 758-2095 IN THE FIFTH ELECTION DISTRICT, KENT COUNTY 9 TAX MAP 50, GRID 3F, PARCEL 23 Date: 05/21/2019 - 10:22am User: dwalton Project Manager: JSC Drawing Path: J:\2019\0000\190019\CMI3D-190019\Dwg\Piota\HMP-PLTS-190019.dwg | Sheddane Engineering, LLC XREF File(s): GBS-BASE-LETR-190019/RAR-BASE-190019/NLD-



(1)

TAX MAP 50, PARCEL 120 HAVEN EMPORIUM, LLC 888 17TH STREET NW SUITE, 205 WASHINGTON, DC 20006

(2)

TAX MAP 50, PARCEL 23 HAVEN EMPORIUM, LLC 888 17TH STREET NW SUITE, 205 WASHINGTON, DC 20006 (APPLICANT)

(3

TAX MAP 50, PARCEL 46 SCOTT H. PEACHER KIMBERLY L. PEACHER 3031 LOCHARY ROAD BEL AIR, MD 21015

(4)

TAX MAP 50, PARCEL 13 WILLIAM ARTHUR WILLIS MARY SUE WILLIS P.O. BOX 597 ROCK HALL, MD 21661

(5)

TAX MAP 501, PARCEL 606 COUNCIL OF UNIT OWNERS OF ROCK HARBOR CONDO 6908 OAKRIDGE AVENUE CHEVY CHASE, MD 20815

(6)

TAX MAP 501, PARCEL 605 THE HUBBARD-SUTTON FAMILY LP P.O. BOX 685 ROCK HALL, MD 21661

7

TAX MAP 501, PARCEL 604 THE HUBBARD-SUTTON FAMILY LP 1192 KINGS WAY DRIVE VIRGINIA BEACH, VA 23455-5561

(8)

TAX MAP 501, PARCEL 603 DONALD K. HUGGINS, SR. MARYANN C. HUGGINS 21115 CHESAPEAKE AVENUE ROCK HALL, MD 21661 (9)

TAX MAP 501, PARCEL 601, LOT 1 DENNIS A. MARTIN ELIZABETH A. MARTIN P.O. BOX 480 ROCK HALL, MD 21661-0480

(10)

TAX MAP 501, PARCEL 601, LOT 2 DENNIS A. MARTIN ELIZABETH A. MARTIN P.O. BOX 480 ROCK HALL, MD 21661-0480

(11)

TAX MAP 501, PARCEL 600 CDP PARTNERSHIP 20875 ROCK HALL AVENUE ROCK HALL, MD 21661-1408

(12)

TAX MAP 501, PARCEL 599 CDP PARTNERSHIP 20875 ROCK HALL AVENUE ROCK HALL, MD 21661-1408

(13)

TAX MAP 501, PARCEL 597 KATHLEEN D. JOHNSON 9 SQUIRE LANE NEW HOPE, PA 18938

(14)

TAX MAP 501, PARCEL 596
THE HUBBARD-SUTTON FAMILY LP
1192 KINGS WAY DRIVE
VIRGINIA BEACH, VA 23455-5561

(15)

TAX MAP 501, PARCEL 595
MARYLAND FOOD CENTER AUTHORITY
7801 OCEANO AVENUE
JESSUP, MD 20794-9411

19-WL-6349 201966491 AI-164372

A OF 7

DATE: AS NOTED

SCALE: AS NOTED

JOB No. 190019

FILE No. D140

# PROPERTY OWNER INFORMATION

ON THE LANDS OF HAVEN EMPORIUM, LLC ROCK HALL, MARYLAND

IN THE FIFTH ELECTION DISTRICT, KENT COUNTY TAX MAP 50, GRID 3F, PARCEL 23

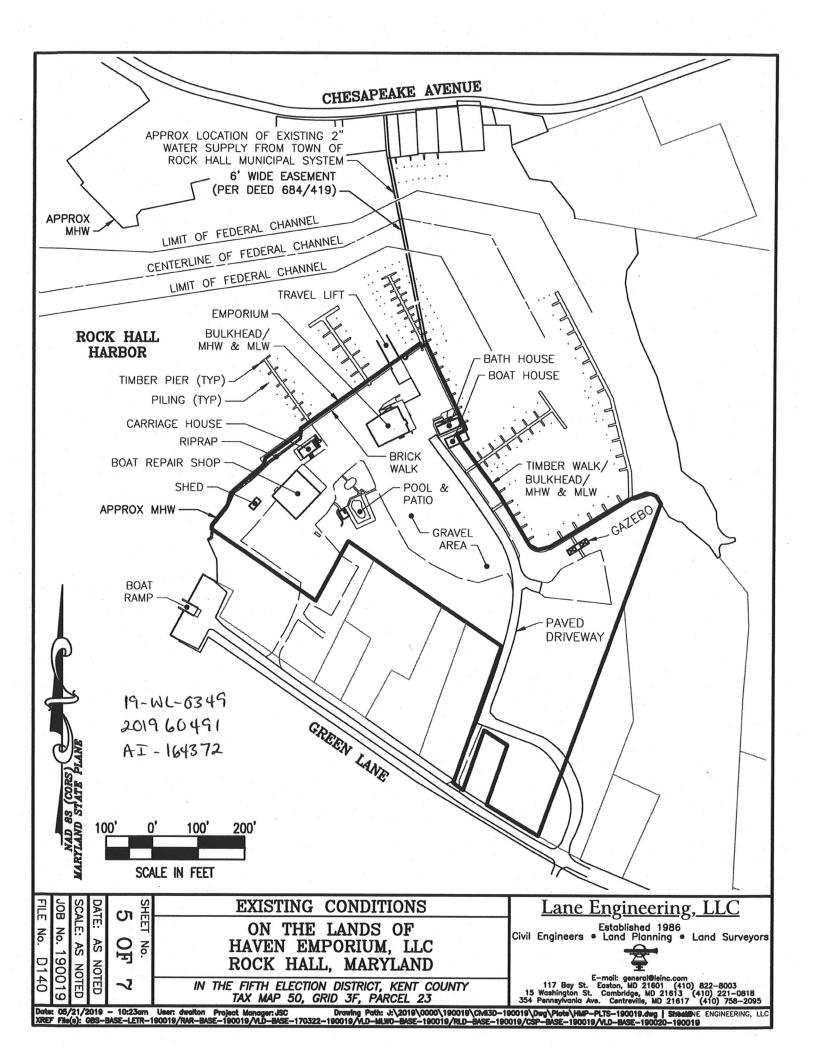
## Lane Engineering, LLC

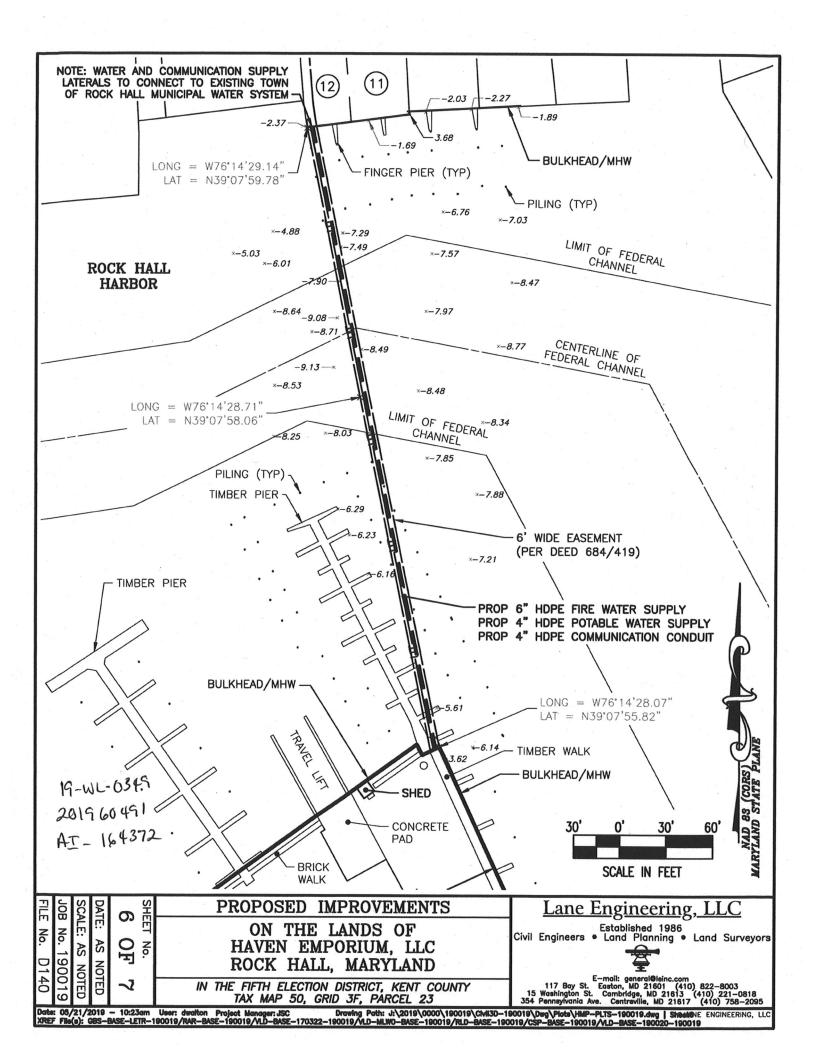
Established 1986 Civil Engineers • Land Planning • Land Surveyors

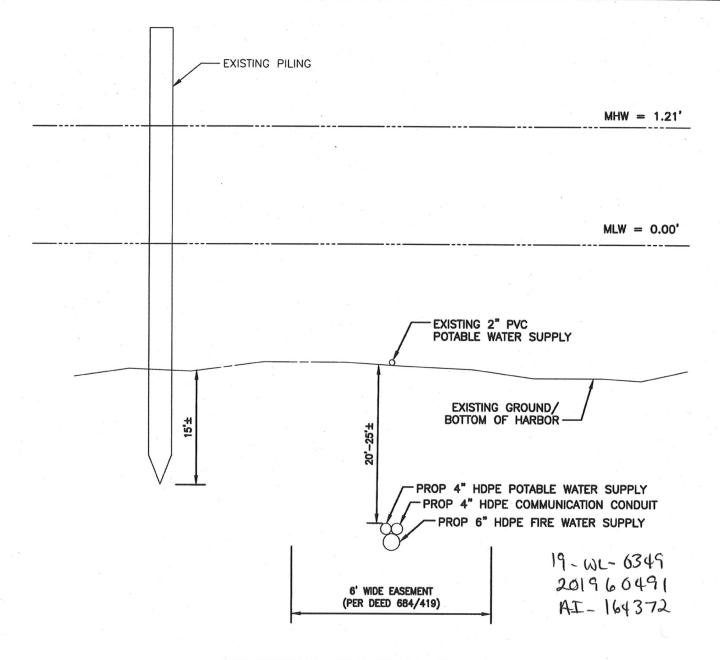


E-mail: general@leinc.com 117 Bay St. Easton, MD 21801 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095

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# DIRECTIONAL BORE CROSS-SECTION NOT TO SCALE

NOTE: EXISTING PILING DEPTH AND PROPOSED DIRECTIONAL BORE DEPTH SHOWN HEREON ARE BASED ON BEST AVAILABLE INFORMATION AS PROVIDED BY PROPERTY OWNER. LANE ENGINEERING IS NOT RESPONSIBLE FOR BORE DEPTHS, OBSTRUCTIONS OR COMPLICATIONS WITH BORING.

SHE JOB SHE	DETAILS	Lane Engineering, LLC	
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7 TED 019	IN THE FIFTH ELECTION DISTRICT, KENT COUNTY TAX MAP 50, GRID 3F, PARCEL 23	E-mail: general@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095	
Date: 05/21/2019 - 10:23am User: dwalton Project Manager: JSC Drawing Path: J:\2018\0000\190019\CMI3D-190019\Dwg\Piots\HMP-PLTS-190019.dwg   Sheelf?IE ENGINEERING, LLC XREF File(s): GBS-BASE-LETR-190019/RLD-BASE-190019/RLD			